THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION Nos.144 and 145 of 2006

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Dated:04.01.2006

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WRIT PETITION No.144 of 2006

Between:

M/s.Biraja Agrotech Private Limited having its registered office at 98,

Sahad Nagar, Bhubaneswar, Orissa State, represented by its

Director Smt.P.V.Ramani, r/o MIG 225, North Extension Layout,
Seethammadhara, Visakhapatnam.

..... PETITIONER

AND

Mandal Revenue Officer, Anandapuram Mandal, Visakhapatnam

District, and others.

.....RESPONDENTS

WRIT PETITION No.145 of 2006

Between:

Pinnamaraju Satyanarayana Raju S/o.Krishnam Raju
R/o.H.No.50-96/9/1, North Extension Lay out, Seethammadhara, Visakhapatnam.

..... PETITIONER

AND

Mandal Revenue Officer, Anandapuram Mandal, Visakhapatnam District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.144 and 145 of 2006

COMMON ORDER:

This common order shall dispose of both the writ petitions. The land admeasuring about Acs.5.00 comprised in Survey No.195/1 of Gambhiram Village, Anandapuram Mandal, Visakhapatnam District, was assigned to Kondru Appanna, an Ex-serviceman, by proceedings dated 19.11.1980. He sold an extent of Acs.2.00 to one Guddati Padmavathi under registered sale deed dated 03.11.1997, and another extent of Acs.3.00 to one Pothina Ramana under registered sale deed dated 24.11.1997. It appears, Ramana sold the said extent of Acs.3.00 to Guddati Padmavathi, who wanted to use the entire extent of Acs.5.00 for charitable purpose. Be that as it is, when there was a threat of dispossession, she filed a writ petition, being W.P.No.19424 of 2002, before this Court, *inter alia,* praying this Court for a direction to the respondents not to demolish the structures raised by her. This Court passed orders directing Padmavathi not to raise any constructions on the property. It is alleged that the petitioner-Company (in W.P.No.144 of 2006) purchased an extent of Acs.4.50 cents under a registered sale deed dated 25.06.2005 for the purpose of establishing a Research and Development Centre in Biotechnology and genetics. The petitioner in W.P.No.145 of 2006 purchased an extent of Ac.0.50 cents from Padmavathi in the same Survey number. It is further alleged that on 28.11.2005, the second respondent informed the petitioners that the pattadar passbooks are kept in abeyance, and immediately, thereafter, some of the officials of the first respondent came to the premises, took measurements and informed that the structures raised on their properties would be demolished. It is alleged that on 28.12.2005, the officials of the respondents started demolishing the structures, and on the petitioners raising the objections, stopped the activity. In this background the present writ petitions are filed, *inter alia,* seeking a direction to the respondents not to dispossess the petitioners, and not to demolish the structures on their lands.

After getting instructions in the matter, the learned Assistant Government Pleader for

Revenue (Assignments) and the learned Standing Counsel for the Visakhapatnam Urban Development Authority (VUDA) submit that the writ petitions are filed on a mere apprehension, making false allegations. It is brought to the notice of this Court by the learned Assistant Government Pleader that in view of the pendency of the writ petition filed by Padmavathi, being W.P.No.19424 of 2002, the respondents have not taken any action. He also denies the allegation that on 28.12.2005, the officials of the second respondent tried to dispossess the petitioners and demolish the structures on their lands. He, however, does not dispute that if the petitioners are to be dispossessed or their structures are to be demolished, the respondents are required to follow due process of law by issuing a notice and considering the explanations that may be submitted by the petitioners. The same is recorded, and to that extent, an observation is made.

In view of the submission made by the learned Assistant Government Pleader and the learned Standing Counsel, it must be held that these writ petitions have been filed without any factual foundation, and subject to the above observation, the writ petitions are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

04.01.2006

Note: Issue C.C by Monday, i.e., 09.01.2006.

B/o.

vs